S.B.Cr.Misc. Bail App. No. 5654/2007
(Asif Khan and Anr. Vs. State of Rajasthan)

Date of order : 19/11/2007

HON'BLE MR.H.R.PANWAR, J.

Mr. R.K.Charan for the petitioners.

Mr. Ashok Upadhyay, Public Prosecutor.

Heard learned counsel for the petitioners and the Public Prosecutor for the State. Perused the order impugned and statements of witnesses.

Learned counsel for the petitioners submits that the trial court has recorded the statements of material witnesses PW-1 Ahmed Noor and PW-2 Mohd. Rafiq and both these witnesses have not supported the prosecution case and turned hostile. He further submits that similarly situated co-accused Hafeej Khan, Mustaq Khan and Ishtyak Khan have already been granted bail by this Court today.

Looking to the facts and circumstances of the case and the fact that material witnesses have turned hostile and do not support the prosecution case and similarly situated co-accused have been granted bail, having considered the oral arguments advanced by both the parties, I think it just and proper to enlarge the accused petitioners on bail.

Accordingly, this bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioners Asif Khan S/o Mustaq Khan and Munsi Khan @ Abdul Latif S/o Ayaz Khan be released on bail in FIR No. 57/2007 P.S. Nekumb, district Chittorgarh, provided each of

them executes a personal bond for a sum of Rs. 20,000/- with two sound and solvent sureties in the sum of Rs. 10,000/- each to the satisfaction of learned trial court for their appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR), J.

RP